



EXPRESS MAIL NO. EV064844089US

PATENT

AB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Neil S. Cutshall et al.
Application No. : 10/015,861
Filed : December 12, 2001
For : PHARMACEUTICAL USES AND SYNTHESIS OF
NICOTINANILIDE-N-OXIDES
Art Unit : 1614
Docket No. : 240083.514
Date : May 21, 2002

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Commissioner for Patents:

This is in response to the *Notice to File Missing Parts* mailed on March 21, 2002, in the above-identified application.

This *Notice* states that the oath or declaration was missing from the papers filed with the application on December 12, 2001, and requires that the Applicants now submit the oath or declaration, along with a surcharge fee of \$130.00, in order to avoid abandonment of the application.

Adjustment Date: 06/06/2002 The statement is incorrect.
06/05/2002 MTEKLEMI 00000003 191090 10015861
01 FC:105 130.00 CR

A *Declaration* (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76) was filed with the application's Application Data Sheet using PTO Form Number PTO/SB/01a (10-00). This is evidenced by the enclosed true copies of the following:

- 1) Utility Patent Application Transmittal (PTO Form No. PTO/SB/05), which was filed with the application, wherein the box for enclosing a newly executed (original) Declaration is checked; and

2) the Return Postcard, wherein the *Declaration* is listed as one of the documents that was filed with the application.

A true copy of the fully executed *Declaration* as filed with the application is enclosed herewith.

Accordingly, Applicants respectfully request that the *Notice to File Missing Parts* be withdrawn, including the imposition of the surcharge fee in order to avoid abandonment of the application.

If the foregoing reasons and enclosed evidence are deemed insufficient to overcome the necessity to adhere to the requirements set forth in the *Notice to File Missing Parts*, Applicants hereby authorize the payment of the late declaration surcharge fee of \$130.00 (for the requisite enclosed copy of the *Declaration* and Applicants' copy of the *Notice*) from Deposit Account No. 19-1090.

Respectfully submitted,
Neil S. Cutshall et al.
Seed Intellectual Property Law Group PLLC

Carol J. Roth
Carol J. Roth
Registration No. 32,783

Enclosures:

Copy of the *Declaration* (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)

Copy of the *Utility Patent Application Transmittal* (PTO Form No. PTO/SB/05)

Copy of the Return Postcard

Applicants' copy of the *Notice to File Missing Parts*

286270_1



m.m.

5-24-22

EXPRESS MAIL NO. EV064844089US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box →

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TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	10/015,861
Filing Date	December 12, 2001
First Named Inventor	Neil S. Cutshall
Group Art Unit	1614
Examiner Name	
Attorney Docket No.	240083.514

ENCLOSURES (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449
<input type="checkbox"/> Cited References
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input checked="" type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
<input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address
<input checked="" type="checkbox"/> Copy of Declaration
<input type="checkbox"/> Statement under 37 CFR 3.73(b)
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund | <input type="checkbox"/> CD(s), Number of CD(s) _____
<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<u>Copy of Return Receipt</u>
<u>Postcard; Copy of PTO/SB/05;</u>
<u>Copy of Notice To File Missing</u>
<u>Parts of Nonprovisional</u>
<u>Application</u> |
|--|--|---|

Remarks**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	Carol J. Roth	 00500 <small>PATENT TRADEMARK OFFICE</small>
Signature	<i>Carol J. Roth</i> Reg. No. 32,783	
Date	May 21, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date:

MP

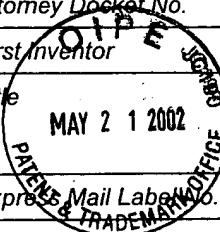
Please type a plus sign (+) inside this box.

Appl. for use through 10/31/2002. OMB 0651-0032. U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	240083.514
First Inventor	Neil S. Cutshall
Title	PHARMACEUTICAL USES AND SYNTHESIS OF NICOTINANILIDE-N-OXIDES
Express Mail Label No.	EL487808845US



1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27.</i>	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
3. <input checked="" type="checkbox"/> Specification [Total Pages 76.]	a. <input type="checkbox"/> Computer Readable Form (CRF)
- Descriptive title of the Invention	b. <input type="checkbox"/> Specification Sequence Listing on:
- Cross Reference to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	ii. <input type="checkbox"/> paper
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input type="checkbox"/> Statements verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings (<i>if filed</i>)	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets]	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. Oath or Declaration [Total Sheets 1.]	10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input checked="" type="checkbox"/> Newly executed (original)	11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i>	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i>	13. <input type="checkbox"/> Preliminary Amendment
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>Should be specifically itemized</i>
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
	16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
	17. <input checked="" type="checkbox"/> Other: <u>Check for \$1212.00</u>

18. If a CONTINUING APPLICATION OR APPLICATION CLAIMING FOREIGN PRIORITY, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) Claims priority from provisional application No. 60/258,730 filed 12/29/00

Prior application information Examiner _____ Group Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

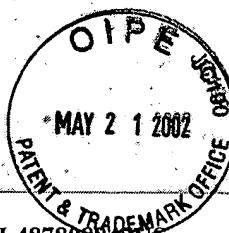
<input type="checkbox"/> Correspondence address below	or:	<input checked="" type="checkbox"/> Customer Number or Bar Code Label	
Firm Name			
Address			
City, State, Zip			
Country			
Telephone	Fax		
Name (Print/Type)	Carol J. Roth	Registration No. (Attorney/Agent)	32,783
Signature	Carol J. Roth	Date	December 12, 2001



PATENT TRADEMARK OFFICE

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

EXPRESS MAIL NO. EV064844089US



Express Mail No. EL48780884565

240083.514

Filing Date 05
Stamp

CR1:mlo

SENT: December 12, 2001
NEW APPLICATION

Box Patent Application
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

PLEASE STAMP WITH APPLICATION NO. AND RETURN

JC715 U.S. PTO

Kindly acknowledge receipt of the below-listed documents by placing a checkmark in the box preceding the document type and affixing your stamp hereon and mailing:

Check No. 18646 for \$1212.00; Form PTO/SB/05; Form 12/12/03/1
(+ copy); Application Data Sheet; Spec., Claims, Abstract
(76 pages); Declaration; Election and Power of Attorney;
Statement; Form PTO-1595; Assignment; in re: Neil S. Cutshall et
al., for PHARMACEUTICAL USES AND SYNTHESIS OF
NICOTINANILIDE-N-OXIDES

Application
Number

DANPortblnManage\MICHELLEO\241691.LDNC SEED INTELLECTUAL PROPERTY LAW GROUP PLLC



UNITED STATES PATENT AND TRADEMARK OFFICE



EXPRESS MAIL NO. EV064844089US
Page 1 of 1

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/015,861	12/12/2001	Neil S. Cutshall	240083.514

00500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

RECEIVED

MAR 26 2002

CONFIRMATION NO. 2603
FORMALITIES LETTER



OC00000000768471

Date Mailed: 03/21/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

Adjustment date: 06/06/2002 MTEKLEMI
06/05/2002 MTEKLEMI 00000003 191090 10015861
01 FC:105 130.00 CR

*A copy of this notice **MUST** be returned with the reply.*

Neil S. Cutshall

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

06/05/2002 MTEKLEMI 00000003 191090 10015861

01 FC:105 130.00 CH